

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA)	CASE NO. 5:18 CR 250
)	
Plaintiff)	JUDGE JAMES S. GWIN
)	
-vs-)	
)	
BRIAN NEWELL)	<u>MOTION TO CONTINUE</u>
)	
Defendant.)	

Now comes Defendant, **BRIAN NEWELL**, by and through counsel, and respectfully requests that this Honorable Court grant a continuance of Sentencing which is currently scheduled for December 11, 2018 at 12:30 p.m.

The basis for this request is that undersigned counsel is scheduled to be in a capital case Daubert hearing in Lake County Court of Common Pleas in State of Ohio v. Joseph Thomas, case number 11 CR 321 and is unavailable. This hearing was scheduled months ago. Counsel will present three expert witnesses over two days of scheduled hearings.

WHEREFORE, Counsel for Defendant respectfully moves that this motion for continuance be granted and that a new date be set by the Court.

Respectfully submitted,

/s/ Donald J. Malarcik
Donald J. Malarcik (0061902)
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CERTIFICATE OF SERVICE

I hereby certify on the 11th of December, 2018, the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Donald J. Malarcik
Donald J. Malarcik (0061902)
Attorney for Defendant